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DAVID S. ROSENZWEIG  
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March 9, 2004

Mary L. Cottrell, Secretary  
Department of Telecommunications and Energy  
One South Station, 2<sup>nd</sup> Floor  
Boston, Massachusetts 02110

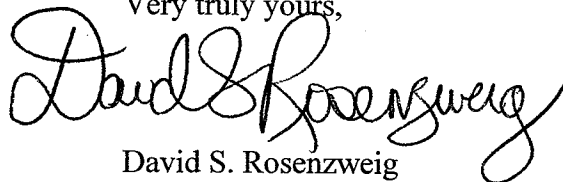
Re: D.T.E. 03-121, NSTAR Electric Standby Rate Tariffs

Dear Secretary Cottrell:

Enclosed for filing please find an original and thirteen (13) copies of the NSTAR Electric Response to the New England Distributed Generation Coalition's Motion to Extend Time for Discovery of NSTAR Electric in the above-referenced matter.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, reading "David S. Rosenzweig". The signature is fluid and cursive, with the first name "David" and last name "Rosenzweig" clearly legible.

David S. Rosenzweig

Enclosures

cc: William Stevens, Hearing Officer  
John Cope-Flanagan, Hearing Officer  
Service List

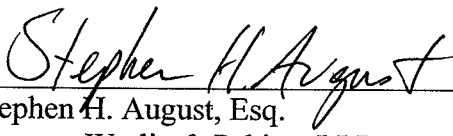
**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

_____	)	
Boston Edison Company	)	
Cambridge Electric Light Company	)	
Commonwealth Electric Company	)	
d/b/a NSTAR Electric	)	
_____	)	

D.T.E. 03-121

**CERTIFICATE OF SERVICE**

I certify that I have this day served the foregoing documents upon the service list in the above-docketed proceeding in accordance with the requirements of 220 C.M.R. 1.05.

  
\_\_\_\_\_  
Stephen H. August, Esq.  
Keegan, Werlin & Pabian, LLP  
265 Franklin Street  
Boston, MA 02110  
(617) 951-1400

Dated: March 9, 2004

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

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Boston Edison Company	)	
Cambridge Electric Light Company	)	
Commonwealth Electric Company	)	
d/b/a NSTAR Electric	)	

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D.T.E. 03-121

**NSTAR ELECTRIC RESPONSE TO THE NEW ENGLAND DISTRIBUTED  
GENERATION COALITION'S MOTION TO EXTEND TIME FOR DISCOVERY  
OF NSTAR ELECTRIC**

On March 3, 2004, the New England Distributed Generation Coalition ("NEDGC") filed a Motion to Extend Time for Discovery of NSTAR Electric in the above-captioned case ("Motion for Additional Time"). NEDGC requests that the time for discovery be extended from March 5, 2004 until March 12, 2004. NEDGC maintains that without such an extension, it will not have adequate time to formulate any follow-up questions to its earlier discovery because NSTAR Electric's responses are due shortly before the current March 5, 2004 deadline for issuing new discovery. NSTAR Electric opposes NEDGC's motion for additional time because more time is unnecessary and inconsistent with the procedural schedule adopted by the Department.

The existing schedule requires all intervenors to file discovery no later than March 5, 2004. All parties (including counsel for NEDGC) participated in the development of the procedural schedule at the prehearing conference held on February 10, 2004.<sup>1</sup> As noted above, this schedule was developed in the context of a specific

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<sup>1</sup> NEDGC did not seek to appeal the procedural schedule established by the Hearing Officer in this case.

statutory framework that requires all parties, including NSTAR Electric, to proceed in an orderly basis toward evidentiary hearings, party initial briefs and reply briefs, and ultimately a Department Order by July 30, 2004. To date, NEDGC has taken advantage of every opportunity to submit information requests to NSTAR Electric, having already issued four sets of information requests reflecting over 50 questions -- 95, when including separate identifiable subparts.<sup>2</sup> Although counsel for NEDGC desires to continue this process further by issuing an ever more expansive set of additional information requests before the commencement of evidentiary hearings, the Hearing Officer should deny this request in order to maintain the integrity of the established procedural schedule for the remainder of the case.

NEDGC's claim that, without such an extension, it will not have adequate time to pose follow-up questions to its earlier discovery does not support an extension. First, this feature applies only to a small subset of questions that were proffered late during the discovery period. Regarding the vast majority of discovery questions, NEDGC and other parties have had the opportunity to ask follow-up questions and responses to 155 information requests that will have been received before the time frame for submitting a direct case. In fact, some of the questions in NEDGC's second set of information requests, and most in its third and fourth sets, represent follow-up questions. Second, as stated above, the procedural schedule in this case, including the aspect that NEDGC now disputes, was developed after an extensive discussion among the parties to this case,

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<sup>2</sup> With respect to the Department and other parties, a total of 194 information requests have been propounded thus far. The information adduced through discovery over the four-plus months since NSTAR Electric originally filed their proposed standby rates represents a more-than-adequate opportunity for parties to prepare a direct case in accordance with the existing procedural schedule.

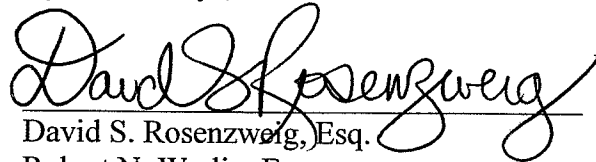
which by necessity reflected a delicate balance of the rights and needs of all parties to the proceeding, including the Department and NSTAR Electric. Like other parties, NEDGC accepted the procedural schedule that was developed in the case knowing that any discovery that it believed it needed to ask in order to allow for follow-up before the submittal of its direct case had to be issued in a timely manner. Therefore, there are no unforeseen circumstances that would warrant the Department reconsidering the existing procedural schedule.

NEDGC has had sufficient time for discovery and no extension should be granted. NEDGC has not demonstrated sufficient reason to change that schedule at this time for the purpose of altering the date for filing discovery in this case. See New England Telephone, D.P.U. 90-206/91-66 (1991) (Under the Department's procedural rules, the hearing officer has the authority to establish a procedural schedule for the conduct of a case that is not required to include discovery under the Massachusetts Administrative Procedures Act, G.L. c. 30A, s. 11(3)). Accordingly, NSTAR respectfully requests that the Department deny NEDGC's motion for an extension of the discovery phase of the Department's investigation in this case.

Respectfully submitted,

**Boston Edison Company  
Cambridge Electric Light Company  
Commonwealth Electric Company  
d/b/a  
NSTAR Electric**

By its attorneys,

A handwritten signature in cursive script, reading "David S. Rosenzweig", written over a horizontal line.

David S. Rosenzweig, Esq.

Robert N. Werlin, Esq.

Stephen H. August, Esq.

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